

# PATENT COOPERATION TREATY

19

AG

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:  
G.E. EHRLICH (1995) LTD.  
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**RECEIVED**

25 AUG 2009

FILE No. 45480

G.E. EHRLICH (1995) LTD.

INVITATION TO PAY ADDITIONAL FEES  
AND, WHERE APPLICABLE, PROTEST FEE  
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

Applicant's or agent's file reference <b>45480</b>	<b>PAYMENT DUE</b> within <b>ONE MONTH</b> from the above date of mailing
International application No. <b>PCT/IL2009/000443</b>	International filing date (day/month/year) <b>23/04/2009</b>
Applicant  <b>CONTIPI LTD.</b>	

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:
- (ii) therefore considers that **the International application does not comply with the requirements of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:
- (iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the International application which relate to the invention first mentioned in claims Nos.:  
**see extra sheet**
- (iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, the amount indicated below:

EUR 1.700,00 x 1 = EUR 1.700  
 Fee per additional invention      number of additional inventions      currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  <b>Trudy Hinterwimmer</b>
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This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-35

A vaginal pessary comprising a state changing mechanism  
which does not use fluid flow to cause state change.  
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2. claim: 36

A vaginal pessary comprising a state changing mechanism  
which does use fluid flow to cause state change.  
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The common concept linking first subject, claims 1 - 35 and second subject, claim 36 (being dependent on claim 35) is providing a vaginal pessary comprising a state changing mechanism.  
However, this concept is already known from document WO-A-2006/097935 (D1) (see page 43, line 24 - page 44, line 33; figures 19A-19C).

No single general inventive concept which links the two different identified subjects can be defined (Rule 31.1 PCT). Therefore, unity of invention is lacking

**Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
**PCT/IL2009/000443**

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.   
see 'Invitation to pay additional fees'
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2006/097935 A2 (CONTIPI LTD [IL]; SINAI NIR [IL]; ZIV ELAN [IL]; BUDER IDAN [IL]; GILA) 21 September 2006 (2006-09-21)  page 43, line 24 - page 44, line 33; figures 19A-19C	1-9, 11-13, 15-17, 21, 23, 25, 28-35
X	WO 2008/010214 A2 (CONTIPI LTD [IL]; ZIV ELAN [IL]; GILAN JACOB [IL]; SINAI NIR [IL]; BAU) 24 January 2008 (2008-01-24) page 24, line 30 - page 27, line 17; figures page 38, line 30 - line 33 page 40, line 24 - page 42, line 4	1-35
X	WO 2004/103213 A (CONTIPI LTD [IL]; ZIV ELAN [IL]) 2 December 2004 (2004-12-02)  page 16, paragraph 2 - page 17, paragraph 2; figures 3a-4b, 11a-13e	1-8, 10, 12, 20-22, 25, 27-35
X	WO 03/047476 A1 (NISSENKORN ABRAHAM [IL]) 12 June 2003 (2003-06-12)	1-6, 8-9, 15-18, 21-22, 25-26, 29-32, 35
A	claims 1-6, 10-12; figures 2A, 2B  ----- -/--	33-34

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No  
PCT/IL2009/000443

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 271 657 C (LEVY) 17 March 1914 (1914-03-17)  the whole document -----	1-10, 15-22, 27, 29-30, 32, 35

# Patent Family Annex

Information on patent family members

International Application No

PCT/IL2009/000443

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 2006097935	A2	21-09-2006	AU 2006224158 A1	21-09-2006
			CA 2600988 A1	21-09-2006
			EP 1863399 A2	12-12-2007
			KR 20070117676 A	12-12-2007
WO 2008010214	A2	24-01-2008	AU 2007274574 A1	24-01-2008
			EP 2046241 A2	15-04-2009
WO 2004103213	A	02-12-2004	EP 1631211 A1	08-03-2006
			JP 2006528047 T	14-12-2006
			US 2007203429 A1	30-08-2007
WO 03047476	A1	12-06-2003	AU 2002353450 A1	17-06-2003
			US 2005016545 A1	27-01-2005
DE 271657	C		NONE	

## Important Information

### General:

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched (unless you pay for all inventions found)
- An **extension of the set time limit** cannot be granted.

### Payment by cheque (not accepted as of 01/04/2008):

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by mail are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.
- No payments by cheque shall be accepted as of 01/04/2008 (date of receipt at the EPO).

### Payment or transfer to a bank account:

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euros, no equivalents in other currencies, all charges to be carried by the applicant
- For a list of accounts held by the EPO please see [http://www.european-patent-office.org/epo/new/bank\\_euro.pdf](http://www.european-patent-office.org/epo/new/bank_euro.pdf)

### Payment by deposit account with the EPO:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

***Note:** If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.*

**Payments by credit card are not possible.**

### Payments under protest (one-step procedure under Rule 40 PCT as of 13/12/2007):

- For general information on the protest procedure at ISA/EP, please refer to the Special Edition No. 3 of the OJ of the EPO 2007, pages 140-145, [http://www.european-patent-office.org/epo/pubs/oj007/08\\_07/special\\_edition\\_3\\_epc\\_2000\\_decisions.pdf](http://www.european-patent-office.org/epo/pubs/oj007/08_07/special_edition_3_epc_2000_decisions.pdf)
- Any protest will **only be accepted if**, within the time limit set in the invitation, the additional fees for each invention to be searched **and** the protest fee are paid.
- The protest has to be **accompanied by a technical reasoning**.

## **European Patent Organisation**

### **Account details**

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